

Tippecanoe County Drainage Board
Minutes
March 8, 2006
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Project Manager Zachariah Beasley (Drainage Board Secretary Brenda Garrison was absent).

Approval of Minutes

John Knochel made a motion to approve the February 2, 2006 Drainage Board minutes. Ruth Shedd seconded the motion. The February 2, 2006 Drainage Board minutes were approved as written.

Hunters Crest Section 3

Brandon Fulk of Schneider Engineering appeared before the Board to request final approval for Hunters Crest Section 3. The site was located on the south side of County Road 450 South just east of County Road 250 East (Concord Road). Brandon stated this section consisted of 22.5 acres of the overall development's 143 acre site. Section 1 and 2 were granted approval by the Board in the fall of 2005 and construction was underway. A system of swales and storm sewers routed to a new detention pond and outlet to a 24" culvert under County Road 450 South flowing north to the JN Kirkpatrick Regulated Drain was designed for a majority of Section 3. The remaining portion of Section 3 would drain into an existing wetland along the eastern boundary of the site. The project was located within the JN Kirkpatrick Regulated Drain watershed. Brandon stated utilizing the pond system as a treatment train; point discharges with stormceptors were designed to assist in the Stormwater quality discharge. Brandon stated the developer concurred with the March 2, 2006 Burke review memo and requested final approval for Section 3. After concurring with the Board's attorney, the Surveyor stated the project was subject to the Revised JN Kirkpatrick Regulated Drain Impact Area. The revised resolution would be presented to the Board at the present meeting. The Surveyor stated the present phase did not drain to the south. He then recommended final approval with conditions as listed on the March 2, 2006 Burke memo as well as subject to the Revised JN Kirkpatrick Regulated Drain Impact Area Resolution.

John Knochel made a motion to grant final approval with conditions listed on the March 2, 2006 Burke memo as well as subject to the Revised JN Kirkpatrick Regulated Drain Impact Area Resolution. Ruth Shedd seconded the motion. Hunters Crest Section 3 was granted final approval with conditions listed on the March 2, 2006 Burke memo and subject to the Revised JN Kirkpatrick Regulated Drain Impact Area Resolution.

TSC South Elementary School

Meredith Beyer from T-Bird Designs appeared before the Board to request preliminary approval for the TSC South Elementary School project. The site was located on the north side of County Road 450 South just east of County Road 250 East (Concord Road). The Upper JN Kirkpatrick Regular Drain Reconstruction would adjoin the north side of the project and serve as the final outlet for the site. Two temporary detention basins would be utilized until reconstruction project was completed. Meredith stated the offsite drainage would be addressed at a later date and requested preliminary approval of the proposed plan at that time. Responding to KD's inquiry, Meredith confirmed both dry detention bases could be utilized at a later date for other purposes.

The Surveyor had met with the landowners in the Upper J.N. Kirkpatrick Regulated Drain watershed and stated they were interested in constructing an open ditch in lieu of the agricultural tile. He stated he hoped to start construction this fall on the project. Right of Entries would be required and he stated the landowners present were agreeable. He then recommended granting preliminary approval for the TSC South Elementary School. As this project was located in the Upper JN Kirkpatrick Regulated Drain Impact Area, they would be subject to the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution.

John Knochel made a motion to grant preliminary approval for TSC South Elementary School subject to conditions listed on the February 24, 2006 Burke memo and the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution as stated by the Surveyor. Ruth Shedd seconded the motion. TSC South Elementary School was granted preliminary approval with conditions as listed on the February 24, 2006 Burke memo and subject to the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution.

Other Business

Assignment of Fortune Park Easement to City of Lafayette

The Surveyor presented an Assignment of Fortune Park Easement to City of Lafayette for the Boards approval. He noted this concerned the Treece Meadows Relief Drain/Wilson Branch of the S.W. Elliott Ditch. The last sentence of the first paragraph stated "This assignment is made subject to the reservation unto the assignors of the proceeds of all assessments related to the *drainage systems and facilities* served by such Drainage Easement, assumption by assignee of all responsibility for maintenance of the Drainage Easement, and assumption by assignee of all other obligations of assignors under the terms of the Drainage Easement accruing after the effective date of this assignment" and should be amended to read "This assignment is made subject to the reservation unto the assignors of the proceeds of all assessments related to the *drainage systems, facilities and watershed* served by such Drainage Easement, assumption by assignee of all responsibility for maintenance of the Drainage Easement, and assumption by assignee of all other obligations of assignors under the terms of the Drainage Easement accruing after the effective date of this assignment."

The Attorney explained this document related to the drainage easement granted to the County in 1991 with the development of Wal-Mart site south of Sam's Club. This was granted at that time with the understanding in the future it could be granted to the City of Lafayette. The City of Lafayette requested the easement at this time as they planned to construct sewer facilities within it. The rights under said easement would be assigned to the City. The County would retain the drainage assessments with respect to the easement within the watershed in order to maintain funding of the Regulated Drain.

John Knochel made a motion to approve the Assignment of Fortune Park Easement to City of Lafayette. Ruth Shedd seconded the motion. The Assignment of Fortune Park Easement to the City of Lafayette was approved with the revision as stated by the Surveyor. The Attorney noted he would make the revision on the document and obtain the additional signatures as required.

Steve Murray

Petition to Establish a New Regulated Drain/Sec 13, 14 23N 3W

The Surveyor noted his office received a Petition to Establish a New Regulated Drain in Section's 13 and 14 Township 23North and Range 3West and located at 1025 East and 100 North, North of Pettit on State Road 26 from Todd Welch. Based on the preliminary analysis of the watershed, approximately 49 percent of the benefited landowners had signed the petition. He recommended the petition be referred to him for a report. The Attorney stated he had reviewed the petition and it met the basic requirements of the statute.

John Knochel made a motion to refer the petition back to the Surveyor for a report. Ruth Shedd seconded the motion. In response to KD's inquiry, the Surveyor estimated it would be at a minimum of six month time frame for his investigation and report to the Board. The Petition to Establish a New Regulated Drain in Sections 13 and 14 Township 23North and Range 3West was referred to the Surveyor for a report.

Revised Resolution #2006-01-DB/Upper JN Kirkpatrick Drainage Impact Area

The Surveyor presented a Revised Resolution of the Upper JN Kirkpatrick Drainage Impact Area for approval. He stated he had met with most of the major property owners within the watershed last October. As a result of that meeting, he asked Dave Eichelberger of Christopher Burke Engineering to prepare technical language to the existing JN Kirkpatrick Drainage Impact Area Resolution#2005-05-DB. The original regional detention concept would cost in excess of 6 million dollars which proved to be too costly. He had agreed to utilize some EDIT monies in developing a new outlet (open ditch) and the developers would provide their own regional detention. He stated this would also reduce the release rates. The Attorney stated this document supplemented the initial resolution which established the impact area and quantified the discharge rates for the Upper JN Kirkpatrick Drain. The post developed discharge rate had to be limited to 233 cfs. This meant each development in the watershed must utilize the release rate of .13cfs per acre to meet the resolution requirements. The remaining 2005 resolution restrictions would be in effect. Although it was unlikely, developers may have to participate in a

regional detention facility if constructed. He noted a developer's internal facilities would have to be established as regulated drains and they would be bound to consent to the reconstruction of JN Kirkpatrick Regulated Drain. In response to KD Benson's inquiry, Dave Eichelberger stated the models had been in place since the mid 1990's for the reconstruction of the lower Kirkpatrick and were revisited for the regional detention preliminary/conceptual plan of the upper portion. The Surveyor stated he had requested specific numbers in this instance. Dave then stated the rate was fairly restrictive however they were based on a detailed setup of an entire watershed. Whereas, allowable release rates within ordinances were generally release rates spread out over an entire county and were not site specific. He pointed out in Hamilton and Hancock County the studies were completed with gage streams data. The release rates were as low as .05, .07 and .09 cfs per acre. In response to Pat Jarboe's (attendee) inquiry, Dave stated .13cfs related to a 100 year storm event as he did not have numbers for the 10 year. They had concentrated on the 100 year storm event only. The Surveyor noted Christopher Burke was in the process of remodeling the channel. They would provide that information at time of completion.

John Knochel made a motion to approve the Resolution #2006-01-DB/ Establishing the Upper JN Kirkpatrick Regulated Drain a Drainage Impact Area. Ruth Shedd seconded the motion. Resolution 2006-01-DB Establishing the Upper JN Kirkpatrick Regulated Drain a Drainage Impact Area was approved as presented.

Resolution 2006-02-DB/Establishing the Fred Haffner Regulated Drain a Drainage Impact Area

The Surveyor presented Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area for approval. He noted this would affect the TSC North (aka Battleground) M.S. project while adding the drain had an inadequate outlet. He recommended the impact area cover the entire watershed. One of the reasons to declare this watershed an impact area was the high cost involved with construction of a positive outlet. The Surveyor felt it fair that all future developments within the watershed share a prorated cost for the said outlet. The Attorney reiterated in order to provide a positive outlet it was necessary to improve that drain. Construction of a new regulated drain crossing at County Road 600North was planned. Tippecanoe School Corporation would make the improvements. One of the conditions which may be imposed within that watershed would be a new development could be required to pay their prorated share (determined by the Drainage Board) of TSC's costs for construction of said improvements. As a secondary condition, each newly constructed drainage system within the watershed would have to provide a positive outlet to the Haffner Regulated Drain. The present conditions relate to information at hand. In the future additional conditions may be imposed as information becomes available.

John Knochel made a motion to approve Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area. Ruth Shedd seconded the motion. Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area was approved as presented.

Resolution 2006-03-DB/ Julius Berlovitz Regulated Drain Drainage Impact Area

The Surveyor presented Resolution 2006-03-DB Establishing the Julius Berlovitz Regulated Drain a Drainage Impact Area. He noted this had been discussed by the Board in the past and the Board was familiar with the watershed. A regional detention concept final plan was complete. He reviewed A.B.C. and D. of the resolution stating the conditions: A. All stormwater drainage control systems within the Berlovitz Impact Area shall participate in the Berlovitz *legal drain*. B. Each Storm water drainage system within the Berlovitz Impact Area shall provide a positive outlet to the Berlovitz Regional Detention Basin. C. The developer of each storm water drainage control systems within the Berlovitz Impact Area shall petition to establish all internal drainage facilities as regulated drains and as condition of approval may be required to waive its right to remonstrate against higher rates for reconstruction thereof. D. The developer of each storm water drainage control system within the Berlovitz Impact Area shall, as condition of approval, consent to such reconstruction of the Julius Berlovitz Legal Drain as may from time to time be required. The Surveyor stated condition A should be revised as follows: A. All Stormwater drainage control systems within the Berlovitz Impact Area shall participate in the Berlovitz **Regional Detention Basin**. John Knochel made a motion to approve Resolution #2006-03-DB establishing the Berlovitz Drainage Impact Area with the revision as noted by the Surveyor. Ruth Shedd seconded the motion. Resolution #2006-03-DB Establishing the Julius Berlovitz Drainage Impact Area was approved with the revision as noted by the Surveyor. The Attorney will provide a revised document for the Board's signatures.

Drain Classification Report Presentation to Board/Special Meeting Date

The Surveyor requested a special meeting to present the Classification of Drains (Partial) to the Board. The special meeting was set for March 24, 2006 at 10 a.m.

Public Comment

The Attorney explained the meaning of "Drainage Impact Area". A drainage impact area is an area with unique characteristics without a positive outflow. Declaring a resolution allows special restrictions on development to improve the drainage problems in addition to those required by the County Drainage Ordinance and the State Drainage code. By definition it may be the entire watershed or a part thereof.

As there was no additional public comment, John Knochel made a motion to adjourn. Ruth Shedd seconded the motion. The meeting was adjourned.

KD Benson, President

John Knochel, Vice President

Zachariah Beasley, Acting Secretary

Ruth Shedd, Member